UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/224,409	12/31/1998	RICHARD C. FENWICK JR.	ONCO-002	3722

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EXAMINER
VU, NGOC K

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 01/23/2004   *12*

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/224,409	FENWICK JR. ET AL.
	Examiner	Art Unit
	Ngoc K. Vu	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 November 2003</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11,12,14,15,18,19,26,27,29,30 and 36-45* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,12,14,15,18,26,27,29,30 and 36-45* is/are rejected.

7)☒ Claim(s) *19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 11/03/2003 have been fully considered but they are not

persuasive.

Applicant argues that Stoel does not disclose or suggest generating a menu using an

Assignable Computing Device. Applicant further argues that a single headend unit is used to

service multiple subscribers, and therefore cannot possibly be considered an assignable

computing device which is assigned to a single user. These arguments are not persuasive

based on the following reasons:

Firstly, the feature "generating a menu using an Assignable Computing Device" is not

claimed. Secondly, the Stoel reference of record discloses that a single headend unit comprises

a plurality of devices such as: game platform 76 for allowing a subscriber to purchase an

interactive video game and to view that game on TV 44, multimedia platform 78 for providing a

wide variety of different audio and visual programs to a subscriber, On-demand movie system

80 for providing baseband audio/video signals (see col. 8, line 57 to col. 9, line 58).

Stoel further discloses that in order to provide interactive video games through game

platform 76, multimedia interactive services through multimedia platform 78, Internet access,

email, and event pay-per-view programming, a Main Menu will list each of those services as a

menu choice. A subscriber can choose from movies, video games, interactive services, or pay-

per-view events that are menued. For example, the subscriber purchases a video game, the

UHC 70 in headend 12 retrieve data from the game platform to provide the requested video

game to the subscriber terminal (see col. 11, lines 25-31; col. 5, lines 21-26). In this case, the

game platform is considered an assignable computing device which is assigned to a subscriber.

Thus, game platform, On-demand movie system, multimedia platform are considered as

Assignable Computing Devices. These devices are assigned to provide the appropriated data in

response to the subscriber's request, e.g., request for a particular VOD, game, or pay-per-view

program.

In response to applicant's argument that there is no suggestion to combine the

references (Stoel and Wolfe of record), the examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the claimed

invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art.

See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347,

21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reference Stoel of record discloses

distributing an audiovisual programming which is selectable by a subscriber through the

interactive use of on-screen menus. The reference Wolfe of record discloses creating and

storing the user file for each subscriber including age, education, income, musical selections

previously or simultaneously made by the subscriber, purchasing habits, etc. It is recognized

that obviousness is established by combining or modifying the teachings of Stoel of record to

produce the limitation "creating a set of user data listing stated user preferences" where this

feature is found in the reference Wolfe of record above in order to effectively provide the

appropriated program or suitable material from a provider to a subscriber, with respect to claims

11, 12, 14, 15, 26, 27, 29, 30 and 36-45.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 11, 12, 14, 15, 26, 27, 29, 30, 36-39 and 44-45 are rejected under 35 U.S.C.

103(a) as being unpatentable over Stoel et al (US 5,905,942) in view of Wolfe et al (US

5,931,901).

Regarding claim 11, Stoel discloses a method for presenting program material from a

plurality of program sources (including VOD service, interactive games service, and other

interactive video service) to users using a host computing device (12) and allocating tasks

among a plurality of audiovisual serving devices (for example, VCPs 142A-142D), the method

comprising: responding to a user request to order program material by selecting one of a

plurality of ACDs (e.g., game platform 76, On-demand movie system 80, multimedia platform

78) to generate a menu listing available program material (if the system is not busy when the

subscriber presses the MENU button on subscriber remote control 46, the terminal 42 receives

from UHC 70 the number of an available interactive channel providing information about

interactive services that are available for selection. A subscriber can choose from movies, video

games, interactive services, or pay-per-view events that are menued. For example, the

subscriber purchases a video game, the UHC 70 in headend 12 retrieve data from the game

platform to provide the requested video game to the subscriber terminal); receiving a program

selection from the user over a Room Communication Subsystem (RCS) (selection of services

are achieved by interaction between the subscriber and headend 12 through interactive menu

displayed on the subscriber's television 44 wherein menu is a list of available services);

presenting the user with the menu over a RCS (headend 12 controls which subscribers will have

access to interactive menus, VOD, games, interactive services by controlling the interdiction

field units 28); responding to the selection of program material by selecting one of plurality of

audiovisual serving devices to present the program material; and presenting the program

material to the user over the RCS (UHC 70 selects the particular VCP to be played, based upon

keystrokes received from the subscriber during an interactive menu session, and transmits the

selected movie to the subscriber via unit 28) (see figures 1-3B and col. 3, lines 36-40; col. 8,

lines 51-54; col. 2, lines 18-23; col. 5, lines 21-26; col. 9, lines 33-39 and 59-63; col. 11, line 17

to col. 12, line 6).

Stoel discloses providing a menu for selecting a VOD program or interactive service, as

interpreted above, but Stoel fails to disclose creating a set of user data listing stated user

preferences. However, Wolfe discloses creating and storing the user profile for each subscriber

including age, education, income, musical selections previously or simultaneously made by the

subscriber, purchasing habits, etc (see col. 4, lines 62-66). Therefore, it would have been

obvious to one of ordinary skill in the art to modify Stoel by creating and storing the user profile

for each subscriber including personal information, music selections previously or purchasing

habits as taught by Wolfe in order to effectively provide the appropriated program or suitable

material from a provider to a particular user.

Regarding claims 12 and 36, Stoel as modified by Wolfe further includes that based on

the each user, the provider presents to each individual a menu of music selection which best fits

the individual's references and music taste (see Wolfe; col. 5, lines 1-5).

Regarding claim 37, Stoel discloses the menu generated is customized upon the request

of the user (subscriber pushes the appropriate button, e.g., menu, on the remote control. The

pressing of the menu button requests that an interactive port be assigned by headend to

subscriber unit) (see col. 4, lines 62-67).

Regarding claim 14, Stoel discloses a method for presenting program material from a

plurality of program sources (including VOD service, interactive games service, and other

interactive video service) to users using a host computing device (12) and allocating tasks

among a plurality of audiovisual serving devices (for example, VCPs 142A-142D), the method

comprising: responding to a user request to order program material by selecting one of a

plurality of ACDs (e.g., game platform 76, On-demand movie system 80, multimedia platform

78) to generate a menu listing available program material (if the system is not busy when the

subscriber presses the MENU button on subscriber remote control 46, the terminal 42 receives

from UHC 70 the number of an available interactive channel providing information about

interactive services that are available for selection. A subscriber can choose from movies, video

games, interactive services, or pay-per-view events that are menued. For example, the

subscriber purchases a video game, the UHC 70 in headend 12 retrieve data from the game

platform to provide the requested video game to the subscriber terminal); presenting the user

with a broadcast channel (the RF television channel passes through subscriber terminal 42 to

the television 44 via cable 44); receiving a program selection from the user over a Room

Communication Subsystem (RCS) (selection of services are achieved by interaction between

the subscriber and headend 12 through interactive menu displayed on the subscriber's

television 44 wherein menu is a list of available services); presenting the user with the menu

over a RCS (headend 12 controls which subscribers will have access to interactive menus,

VOD, games, interactive services by controlling the interdiction field units 28); responding to the

selection of program material by selecting one of plurality of audiovisual serving devices to

present the program material; and presenting the program material to the user over the RCS

(UHC 70 selects the particular VCP to be played, based upon keystrokes received from the

subscriber during an interactive menu session, and transmits the selected movie to the

subscriber via unit 28) (see figures 1-3B and col. 3, lines 19-28 and 36-40; col. 8, lines 51-54;

col. 2, lines 18-23; col. 5, lines 21-26; col. 9, lines 33-39 and 59-63; col. 11, line 17 to col. 12,

line 6).

Stoel discloses providing a menu for selecting a VOD program or interactive service, as

interpreted above, but Stoel fails to disclose creating a set of user data listing stated user

preferences. However, Wolfe discloses creating and storing the user profile for each subscriber

including age, education, income, musical selections previously or simultaneously made by the

subscriber, purchasing habits, etc (see col. 4, lines 62-66). Therefore, it would have been

obvious to one of ordinary skill in the art to modify Stoel by creating and storing the user profile

for each subscriber including personal information, music selections previously or purchasing

habits as taught by Wolfe in order to effectively provide the appropriated program or suitable

material from a provider to a particular user.

Regarding claim 15, Stoel discloses controller 74 defines the interdiction of channels to

individual subscribers based upon the basic services ordered by the subscriber (see col. 8, lines

39-45). Stoel does not disclose the broadcast channel is modified to reflect the set of user

preferences. Official Notice is taken that providing the broadcast channel based on the user

preferences or viewing habits is well known in the art. Therefore, it would have been obvious to

one of ordinary skill in the art to modify Stoel by including the broadcast channel based on the

user preferences or viewing habits in order to provide the suitable programming or material to

the targeted user.

Regarding claim 38, Stoel as modified by Wolfe further includes that based on the each

user, the provider presents to each individual a menu of music selection which best fits the

individual's references and music taste (see Wolfe; col. 5, lines 1-5).

Regarding claim 39, Stoel discloses the menu generated is customized upon the request

of the user (subscriber pushes the appropriate button, e.g., menu, on the remote control. The

pressing of the menu button requests that an interactive port be assigned by headend to

subscriber unit) (see col. 4, lines 62-67).

Regarding claim 26, Stoel discloses an apparatus (see figures 1-3B) for presenting

program material from a plurality of program sources (including VOD service, interactive games

service, and other interactive video service) to users using a host computing device (12) and

plurality of audiovisual serving device (VCPs), comprising: a programming subsystem (80), the

programming subsystem including a plurality of audiovisual serving devices (VCPs 142A-142D);

a Room Communication Subsystem (RCS) (28); a Site Management Subsystem (SMS) (70);

and a plurality of Assignable Computing Device audiovisual serving devices (e.g., game

platform 76, On-demand movie system 80, multimedia platform 78); wherein the audiovisual

serving service devices communicate with the user terminals over the Room Communication

Subsystem (UHC 70 selects the particular VCP to be played, based upon keystrokes received

from the subscriber during an interactive menu session, and transmits the selected movie to the

subscriber via unit 28), the Site Management Subsystem can assign at least one Assignable

Computing Device (e.g., game platform 76, On-demand movie system 80, multimedia platform

78) to communicate with a user terminal in response to an initial communication from a user

terminal (if the system is not busy when the subscriber presses the MENU button on subscriber

remote control 46, the terminal 42 receives from UHC 70 the number of an available interactive

channel providing information about interactive services that are available for selection. A

subscriber can choose from movies, video games, interactive services, or pay-per-view events

that are menued. For example, the subscriber purchases a video game, the UHC 70 in headend

12 retrieve data from the game platform to provide the requested video game to the subscriber

terminal) (see figures 1-3B and col. 3, lines 19-28 and 36-40; col. 8, lines 51-54; col. 2, lines 18-

23; col. 5, lines 21-26; col. 9, lines 33-39 and 59-63; col. 11, line 17 to col. 12, line 6).

Stoel further discloses providing the menu to subscriber listing of available material (the system must include the tasks of keep track and update of the availability of the material in order to present the available services) (see col. 3, lines 36-40; col. 4-5, lines 62-1). Stoel fails to disclose creating a set of user data listing stated user preferences. However, Wolfe discloses storing the user profile for each subscriber including age, education, income, musical selections previously or simultaneously made by the subscriber, purchasing habits, etc (see col. 4, lines 62-66). Therefore, it would have been obvious to one of ordinary skill in the art to modify Stoel by creating and storing the user profile for each subscriber including personal information, music selections previously or purchasing habits as taught by Wolfe in order to effectively provides the appropriated program or suitable material from a provider to a particular user.

Regarding claim 27, Stoel discloses that a subscriber can choose from movies, video games, interactive services or pay-per-view events that are menued. If the movie ordered by the subscriber is not already playing, headend plays the movie on the channel which has already been assigned to that subscriber during that interactive session (see col. 5, lines 18-26; col. 5-6, lines 65-1). Stoel as modified by Wolfe further includes that based on the each user, the provider presents to each individual a menu of music selection which best fits the individual's references and music taste (see Wolfe; col. 5, lines 1-5).

Regarding claim 42, Stoel as modified by Wolfe further includes that based on the each user, the provider presents to each individual a menu of music selection which best fits the individual's references and music taste (see Wolfe; col. 5, lines 1-5).

Regarding claim 43, Stoel discloses the menu generated is customized upon the request of the user (subscriber pushes the appropriate button, e.g., menu, on the remote control. The pressing of the menu button requests that an interactive port be assigned by headend to subscriber unit) (see col. 4, lines 62-67).

Regarding claims 29, Stoel discloses an apparatus (see figures 1-3B) for presenting program material from a plurality of program sources (including VOD service, interactive games service, and other interactive video service) to users using a host computing device (12) and plurality of audiovisual serving device (VCPs), comprising: a programming subsystem (80), the programming subsystem including a plurality of audiovisual serving devices (VCPs 142A-142D); a Room Communication Subsystem (RCS) (28); a Site Management Subsystem (SMS) (70); a plurality of Assignable Computing Device audiovisual serving devices (e.g., game platform 76, On-demand movie system 80, multimedia platform 78); and a broadcast channel (RF channel); wherein the audiovisual serving service devices communicate with the user terminals over the Room Communication Subsystem (UHC 70 selects the particular VCP to be played, based upon keystrokes received from the subscriber during an interactive menu session, and transmits the selected movie to the subscriber via unit 28), the Site Management Subsystem can assign at least one Assignable Computing Device to communicate with a user terminal in response to an initial communication from a user terminal (if the system is not busy when the subscriber presses the MENU button on subscriber remote control 46, the terminal 42 receives from UHC 70 the number of an available interactive channel providing information about interactive services that are available for selection. A subscriber can choose from movies, video games, interactive services, or pay-per-view events that are menued. For example, the subscriber purchases a video game, the UHC 70 in headend 12 retrieve data from the game platform to provide the requested video game to the subscriber terminal - see figures 1-3B and col. 3, lines 19-28 and 36-40; col. 8, lines 51-54; col. 2, lines 18-23; col. 5, lines 21-26; col. 9, lines 33-39 and 59-63; col. 11, line 17 to col. 12, line 6).

Stoel further discloses providing the menu to subscriber listing of available material (the system must include the tasks of keep track and update of the availability of the material in

order to present the available services) (see col. 3, lines 36-40; col. 4-5, lines 62-1). Stoel fails

to disclose creating a set of user data listing stated user preferences. However, Wolfe discloses

storing the user profile for each subscriber including age, education, income, musical selections

previously or simultaneously made by the subscriber, purchasing habits, etc (see col. 4, lines

62-66). Therefore, it would have been obvious to one of ordinary skill in the art to modify Stoel

by creating and storing the user profile for each subscriber including personal information, music

selections previously or purchasing habits as taught by Wolfe in order to effectively provides the

appropriated program or suitable material from a provider to a particular user.

Regarding claim 30, Stoel discloses controller 74 defines the interdiction of channels to

individual subscribers based upon the basic services ordered by the subscriber (see col. 8, lines

39-45). Stoel does not disclose the broadcast channel is modified to reflect the set of user

preferences. Official Notice is taken that providing the broadcast channel based on the user

preferences or viewing habits is well known in the art. Therefore, it would have been obvious to

one of ordinary skill in the art to modify Stoel by including the broadcast channel based on the

user preferences or viewing habits in order to provide the suitable programming or material to

the targeted user.

Regarding claim 44, Stoel as modified by Wolfe further includes that based on the each

user, the provider presents to each individual a menu of music selection which best fits the

individual's references and music taste (see Wolfe; col. 5, lines 1-5).

Regarding claim 45, Stoel discloses the menu generated is customized upon the request

of the user (subscriber pushes the appropriate button, e.g., menu, on the remote control. The

pressing of the menu button requests that an interactive port be assigned by headend to

subscriber unit) (see col. 4, lines 62-67).

4.   Claims 18 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoel

et al (US 5,905,942) in view of Ohno et al (US 5,781,734 A).

Regarding claim 18, Stoel discloses a method for presenting program material from a

plurality of program sources (including VOD service, interactive games service, and other

interactive video service) to users using a host computing device (12) and allocating tasks

among a plurality of audiovisual serving devices (for example, VCPs 142A-142D), the method

comprising: responding to a user request to order program material by selecting one of a

plurality of ACDs (e.g., game platform 76, On-demand movie system 80, multimedia platform

78) to generate a menu listing available program material (if the system is not busy when the

subscriber presses the MENU button on subscriber remote control 46, the terminal 42 receives

from UHC 70 the number of an available interactive channel providing information about

interactive services that are available for selection. A subscriber can choose from movies, video

games, interactive services, or pay-per-view events that are menued. For example, the

subscriber purchases a video game, the UHC 70 in headend 12 retrieve data from the game

platform to provide the requested video game to the subscriber terminal); receiving a program

selection from the user over a Room Communication Subsystem (RCS) (selection of services

are achieved by interaction between the subscriber and headend 12 through interactive menu

displayed on the subscriber's television 44 wherein menu is a list of available services);

presenting the user with the menu over a RCS (headend 12 controls which subscribers will have

access to interactive menus, VOD, games, interactive services by controlling the interdiction

field units 28); responding to the selection of program material by selecting one of plurality of

audiovisual serving devices to present the program material; and presenting the program

material to the user over the RCS (UHC 70 selects the particular VCP to be played, based upon

keystrokes received from the subscriber during an interactive menu session, and transmits the

selected movie to the subscriber via unit 28) (see figures 1-3B and col. 3, lines 36-40; col. 8,

lines 51-54; col. 2, lines 18-23; col. 5, lines 21-26; col. 9, lines 33-39 and 59-63; col. 11, line 17

to col. 12, line 6).

Stoel fails to disclose polling the audiovisual service device for status. However, Ohno

discloses a main processor 105 included a memory 106 stores a STATUS file indicating the

operation status of the video sources. The main processor 105 performs the system

management including polling and allocation of the video sources (see col. 3, lines 37-45).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Stoel by polling

the audiovisual serving device for status in order to perform management of the video sources

and to prevent the error of distributing video signals.

Regarding claim 41, Stoel discloses the menu generated is customized upon the request

of the user (subscriber pushes the appropriate button, e.g., menu, on the remote control. The

pressing of the menu button requests that an interactive port be assigned by headend to

subscriber unit) (see col. 4, lines 62-67).

5.   Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stoel et al (US

5,905,942) in view of Ohno et al (US 5,781,734 A) and further in view of Wolfe et al (US

5,931,901 A).

Regarding claim 40, Stoel discloses providing a menu for selecting a VOD program or

interactive service, as interpreted above, but Stoel fails to disclose the menu generated is

automatically customized based on information related to the user. However, Wolfe discloses

that based on the each user, the provider presents to each individual a menu of music selection

which best fits the individual's references and music taste (see Wolfe; col. 5, lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Stoel by

presenting a menu automatically customized based on each individual's references as taught by

Wolfe in order to allow the user easily navigating and selecting the programming that he/she is interested.

Allowable Subject Matter

6.   Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The closest prior arts, Stoel of record discloses distributing an audiovisual programming which is selectable by a subscriber through the interactive use of on-screen menus. Ohno of record discloses storing a status file indicating the operation status of a video source. However, Stoel and Ohno, either in singular or in combination, fail to teach "the audiovisual serving device is restarted in response to instructions from the host after a second defined interval of time".

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

VICTOR R. KOSTAK
PRIMARY EXAMINER

NV
January 17, 2004